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4 APR 2005

DIVISION

10/521395

PATENT

Practitioner's Docket No. 531-017.007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE APR -4 AM 11: 58.

☒ In re application of:

Application No.: 10/521,395

Group No.

Filed: 1/14/2005

Examiner:

For: Process and Apparatus for Producing Calcium Carbonate via an Enzymatic Pathway

☐ Patent No.:

Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Mail Stop 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

2631

2642

2633

REQUEST FOR REFUND

(37 C.F.R. § 1.28(a))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703)

Deborah J. Clark
Signature

Date: March 30, 2005

Deborah J. Clark

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Adjustment date: 06/01/2005 RWITE1
(Request for Refund) 00000003 10521395

01 FC:1631	-300.00 OP
02 FC:1632	-500.00 OP
03 FC:1633	-200.00 OP

06/01/2005 RWITE1 00000003 10521395

01 FC:2631	150.00 OP
02 FC:2642	200.00 OP
03 FC:2633	100.00 OP

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NOTE: 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

WARNING: A request for a refund Submissions after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

NOTE: 37 C.F.R. § 1.26 Refunds

(a) The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office the refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

(b) Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this paragraph or in § 1.28(a). If the Office charges a deposit account by an amount other than an amount specifically indicated in an authorization (§ 1.25(b)), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable.

I. SUBMISSION OF SMALL ENTITY ASSERTION

(complete (a) or (b))

- (a) ☒ Attached is an assertion of small entity status in this application.
- (b) ☐ An assertion of small entity status was filed in this application on _____.

II. REFUND REQUEST

NOTE: 37 C.F.R. § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid. . ."

This request for refund is made within three months of the date the full fee was paid in this application on January 14, 2005, in the amount of \$ 1,000.00.

NOTE: If the fee was changed to a deposit account, a request for refund must be filed within two months of the date of the charge to the deposit account.

(Request for Refund [7-9]—page 2 of 4)

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III. FEE PAID FOR WHICH REFUND REQUESTED

AMOUNT OF REFUND REQUESTED

- ☒ Filing fee \$ 500.00
- ☐ Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. § 1.16(e) or 37 C.F.R. § 1.16(l)). \$ _____

or

- ☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) \$ _____
- ☐ Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ _____

or

- ☐ Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ _____
- ☐ Extension of term \$ _____
- ☐ Issue fee \$ _____
- ☐ Patent maintenance fee
- ☐ first maintenance fee \$ _____
- ☐ second maintenance fee \$ _____
- ☐ third maintenance fee \$ _____
- ☐ Patent maintenance fee surcharge.

NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.

- ☐ Other \$ _____

TOTAL REFUND REQUESTED \$ 500.00

IV. MANNER OF REFUND

Please make refund by:

- ☐ Crediting Deposit Account No. _____
- ☐ Crediting applicant's credit card as shown on the attached credit card authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Sending refund check to ~~applicant~~ practitioner
- ☐ By electronic funds transfer using the banking information on the payment instrument.

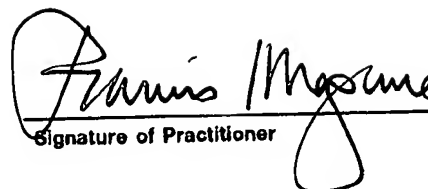
(Request for Refund [7-9]—page 3 of 4)

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Signature of Practitioner

Francis J. Maguire

(type or print name of practitioner)

Ware, Fressola, Van Der Sluys & Adolphson, LLP

P.O. Address

755 Main Street, Building 5

Monroe, CT .06468

(Request for Refund [7-0]—page 4 of 4)

Refund Ref:
06/01/2005 RWHITE1 0000144996

CHECK Refund Total: \$550.00

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PATENT

Practitioner's Docket No. 531-017.007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of:
Application No.: 10 / 521,395
Filed: 1/14/2005
For: Process and Apparatus for Producing Calcium Carbonate via an Enzymatic Pathway
Group No.
Examiner:
Issue date:

☐ Patent No.:

*NOTE: Preferably also insert inventor's name and invention title.

WRITTEN ASSERTION OF STATUS AS SMALL ENTITY
(37 C.F.R. § 1.27(c)(1))

This is a written assertion of small entity status in accordance with 37 C.F.R. § 1.27(c)(1) for the above identified ☒ application ☐ patent.
This assertion is being made on the basis of:

- ☐ personal knowledge;
- ☐ applicant's letter of _____;
- ☒ applicant's agent's letter of 1/13/2005;
- ☐ other

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)
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Mailing Label No. _____ (mandatory)
37 C.F.R. § 1.10 *

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Deborah J. Clark
Signature
Deborah J. Clark
(type or print name of person certifying)

Date: March 30, 2005

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(Written Assertion of Status as Small Entity (37 C.F.R. § 1.27(c)(1)))